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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,090	02/23/2005	Takuya Mori	266193US26PCT	3269

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314		

EXAMINER	
EDWARDS, LAURA ESTELLE	

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
01/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/525,090

Applicant(s)

MORI, TAKUYA

Examiner

Laura Edwards

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 21-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 8 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election of Group I, claims 1-10 and 21-30 in the reply filed on 10/15/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

The abstract of the disclosure is objected to because it should be one single paragraph. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informality: on page 12, in the Brief Description of the Drawings, there is no brief description of Figs. 13 and 14.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perkins et al (US 6,379,465).

Perkins et al provide a system for operating a substrate processing apparatus comprising a remote operation unit for operating said substrate processing apparatus from a remote place by transmitting a remote operation information to a side of said substrate processing apparatus through a communication network and providing said remote operation information to said substrate processing apparatus; and a communication control unit for receiving said remote operation information transmitted to the side of said substrate processing apparatus and providing said remote operation information to said substrate processing apparatus, wherein said communication control unit provides said remote operation information to said substrate processing apparatus only when there is an allow setting (button pressed) for a remote operation by a worker in the side of said substrate processing apparatus (see col. 9, lines 6-27).

Claims 1, 2, 5, 21, 22, and 25 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Naoyuki (JP 2002/231595).

Naoyuki provides a system for operating a substrate processing apparatus comprising a remote operation unit for operating said substrate processing apparatus from a remote place by transmitting a remote operation information to a side of said substrate processing apparatus through a communication network and providing said remote operation information to said substrate processing apparatus; and a communication control unit for receiving said remote operation information transmitted to the side of said substrate processing apparatus and providing said remote operation information to said substrate processing apparatus, wherein said

communication control unit provides said remote operation information to said substrate processing apparatus only when there is an allow setting for a remote operation by a worker in the side of said substrate processing apparatus (see [0020-0026]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6, 7, 23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al (US 6,379,465).

The teachings of Perkins et al have been mentioned above but Perkins et al are silent as to how many steps or stages are required for the allowance setting for remote operation of the processing apparatus. However, one of ordinary skill in the art would expect plural steps or stages to engage the allowance setting for remote operation of the processing apparatus because the Perkins et al apparatus operates remotely only when the main control panel (120) button

(560) is pushed followed by acknowledgement of the remote command via the illumination of the local/remote LED (562) which indicates to the user that local control mode has been enabled.

With respect to claims 6, 7, 26, and 27, the allow setting/remote activation button in the Perkins et al apparatus merely enables the user remote control of the processing apparatus with any further control of parts or structure to the processing apparatus being enabled via commands by the user via computer/microprocessor input. It would be within the purview of one skilled in the art to control the driving/activation or non-driving/non-activation of parts or structure of the processing apparatus as desired by the user to effect a given process (spraying) on a substrate or prepare for processing on the substrate via setting desired operating parameters like operating hours, voltage setting, amperes setting, and so forth (see col. 9, lines 54-61).

Claims 4, 9, 10, 24, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al (US 6,379,465) in view of Mese et al (US 5,396,443).

The teachings of Perkins et al have been mentioned above but Perkins et al are silent concerning a sensor for detecting approach of a person to the substrate processing apparatus on the side of the substrate processing apparatus. However, it was known in the art at the time the invention was made, to provide a sensor for detecting approach of a person to a processing apparatus on the side of the processing apparatus in order to discern between an active apparatus or inactive apparatus in order to save electrical power as evidenced by Mese et al (see abstract). It would have been obvious to one of ordinary skill in the art to provide a sensor for detecting approach of a person to a processing apparatus on the side of the processing apparatus as taught by Mese et al as a part of the main control panel in the apparatus of Perkins et al in order to

detect a user and discern whether the apparatus is to remain active or go into a stand-by state to effect savings of electrical power and thereby lower manufacturing costs.

With respect to the use of the approach sensor on the side of the remote operation unit, the same logic would apply as for the use of the sensor on the main control panel. Placement of the sensor on the remote operation unit and/or on the main control panel on site of the processing apparatus would merely serve to discern activity or non-activity of the apparatus to save energy and lower costs.

With respect to the sensor only being stopped at the main control panel or at the site of the processing apparatus, such is within the purview of one skilled in the art because the main control panel mainly controls the operation of the processing apparatus while the remote is merely a backup or convenience for the user to monitor and control things when the user is not available on site.

The sensor as used in the apparatus defined by the combination above would sense the presence of any person regardless of whether the person was an authorized or unauthorized user of the substrate processing apparatus.


Allowable Subject Matter

Claims 8 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura Edwards
Primary Examiner
Art Unit 1792

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January 4, 2008